STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of TIMOTHY A. R. WHEELER, STEVEN M. WHEELER, CRISTAL ANN WHEELER, KATHLENE M. WHEELER, and BRIAN S. WHEELER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE MAE WHEELER, a/k/a JULIE MAE MOST,

Respondent-Appellant,

and

ROBERT LAWRENCE WHEELER,

Respondent.

UNPUBLISHED
November 30, 1999

No. 212842
Saginaw Circuit Court
Family Division
LC No. 92-021812 NA

Before: Sawyer, P.J., and Hood and Whitbeck, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b); MSA 27.3178(598.19b)(3)(b). We affirm.

Respondent-appellant has not demonstrated that the family court committed procedural error by holding a single hearing on the petition seeking termination of parental rights. Because the children were already within the family court's jurisdiction, it was not necessary that the court conduct an adjudication trial or render further findings with regard to the question of jurisdiction. To the extent that the family court addressed the question of jurisdiction in its decision on termination, we deem any error harmless in light of the already existing jurisdiction over the children.

Respondent-appellant's reliance on *In re Snyder*, 223 Mich App 85; 566 NW2d 18 (1997), to argue that an "adjudication hearing" was required is misplaced. *In re Snyder* holds that, when the grounds for termination are unrelated to the basis on which the court initially took jurisdiction, legally admissible evidence is required to establish the factual basis for the finding of parental unfitness warranting termination under MCL 712A.19b; MSA 27.3178(598.19b). Because termination of respondent-appellant's parental rights under MCL 712A.19b(3)(b)(ii); MSA 27.3178(598.19b)(3)(b)(ii) was related to the basis on which jurisdiction over the children was initially taken, MCR 5.974(F)(2) governed the evidentiary issues. Further, petitioner was not required to prove each factual allegation in the petition seeking termination, but rather was required to prove an alleged statutory ground for termination.

Although respondent-appellant also raises evidentiary claims as part of her first issue, these claims are not properly before us because they are not raised in the statement of the question presented concerning the lack of an "adjudication hearing" for the petition seeking termination. *Meagher v McNeely & Lincoln, Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995). In any event, the testimony of the SanMiguel witnesses was admissible under MCR 5.923(A); *In re Alton*, 203 Mich App 405; 513 NW2d 162 (1994). See also MCR 5.901(B). We are unpersuaded by respondent-appellant's argument that the family court's remarks concerning *In the Matter of LaFlure,* 48 Mich App 377, 382; 210 NW2d 482 (1973), demonstrate any error. Further, respondent-appellant has not established that the family court abused its discretion in admitting pursuant to MCR 5.974(F)(2) evidence of the letter written by one of the children, in particular, for a purpose relevant to the allegation in paragraph "O" of the termination petition. See also *People v Lukity*, 460 Mich 484, 488; 596 NW2d 607 (1999). We also conclude that respondent-appellant's challenge with regard to the state trooper's testimony is insufficiently briefed to warrant appellate consideration. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984).

We have also considered the three due process issues raised by respondent-appellant, but find that respondent-appellant has not shown that she preserved these issues with appropriate objections based on due process. Cf. *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996). Further, respondent-appellant has not shown plain error affecting her substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). Unlike *In re Nunn*, 168 Mich App 203; 423 NW2d 619 (1988), the petition in this case gave respondent-appellant notice of petitioner's intent to seek termination and the grounds upon which it was based. *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991). Further, giving due regard to the opportunity afforded to respondent-appellant to bring concerns about the case service plan to the attention of the family court at the dispositional review hearings, *Martin v Children's Aid Society,* 215 Mich App 88, 98; 544 NW2d 651 (1996), we are not persuaded that respondent-appellant has established a deprivation of procedural due process stemming from the services provided by petitioner. *In re Brock*, 442 Mich 101; 499 NW2d 752 (1993). We are also unpersuaded that respondent-appellant has established a deprivation of any due process right of confrontation. *Id.*

With regard to respondent-appellant's final issue, we hold that respondent-appellant has not established that the family court erred in terminating her parental rights. Indeed, respondent-appellant

could be denied relief because she has failed to address a necessary issue, namely, the statutory ground for termination in MCL 712A.19b(3)(b)(ii); MSA 27.3178(598.19b)(3)(b)(ii). *Roberts & Son Contracting, Inc v North Oakland Development Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987). In any event, we are satisfied that the family court did not clearly err in finding that MCL 712A.19b(3)(b)(ii); MSA 27.3178(598.19b)(3)(b)(ii) was established by clear and convincing evidence. MCR 5.974(I); *In re Sours,* 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Because only one statutory ground for termination is required to terminate parental rights and because respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interests, we affirm the termination order. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Affirmed.

/s/ David H. Sawyer
/s/ Harold Hood
/s/ William C. Whitbeck